

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Fireworks Use Act is amended by changing
5 Section 1 and by adding Section 6 as follows:

6 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

7 Sec. 1. Definitions. As used in this Act, the following
8 words shall have the following meanings:

9 "Advertiser" means a fireworks company purchasing an
10 advertisement on an advertising medium.

11 "Advertising mediums" means billboards, radio, television,
12 and print advertising.

13 "1.3G fireworks" means those fireworks used for
14 professional outdoor displays and classified as fireworks
15 UN0333, UN0334, or UN0335 by the United States Department of
16 Transportation under 49 C.F.R. 172.101.

17 "Consumer distributor" means any person who distributes,
18 offers for sale, sells, or exchanges for consideration consumer
19 fireworks in Illinois to another distributor or directly to any
20 retailer or person for resale.

21 "Consumer fireworks" means those fireworks that must
22 comply with the construction, chemical composition, and
23 labeling regulations of the U.S. Consumer Products Safety

1 Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and
2 classified as fireworks UN0336 or UN0337 by the United States
3 Department of Transportation under 49 C.F.R. 172.101.
4 "Consumer fireworks" shall not include snake or glow worm
5 pellets; smoke devices; trick noisemakers known as "party
6 poppers", "booby traps", "snappers", "trick matches",
7 "cigarette loads", and "auto burglar alarms"; sparklers; toy
8 pistols, toy canes, toy guns, or other devices in which paper
9 or plastic caps containing twenty-five hundredths grains or
10 less of explosive compound are used, provided they are so
11 constructed that the hand cannot come in contact with the cap
12 when in place for the explosion; and toy pistol paper or
13 plastic caps that contain less than twenty hundredths grains of
14 explosive mixture; the sale and use of which shall be permitted
15 at all times.

16 "Consumer fireworks display" or "consumer display" means
17 the detonation, ignition, or deflagration of consumer
18 fireworks to produce a visual or audible effect.

19 "Consumer operator" means an adult individual who is
20 responsible for the safety, setup, and discharge of the
21 consumer fireworks display and who has completed the training
22 required in Section 2.2 of this Act.

23 "Consumer retailer" means any person who offers for sale,
24 sells, or exchanges for consideration consumer fireworks in
25 Illinois directly to any person with a consumer display permit.

26 "Display fireworks" means 1.3G or special effects

1 fireworks or as further defined in the Pyrotechnic Distributor
2 and Operator Licensing Act.

3 "Flame effect" means the detonation, ignition, or
4 deflagration of flammable gases, liquids, or special materials
5 to produce a thermal, physical, visual, or audible effect
6 before the public, invitees, or licensees, regardless of
7 whether admission is charged, in accordance with National Fire
8 Protection Association 160 guidelines, and as may be further
9 defined in the Pyrotechnic Distributor and Operator Licensing
10 Act.

11 "Lead pyrotechnic operator" means an individual who is
12 responsible for the safety, setup, and discharge of the
13 pyrotechnic display or pyrotechnic service and who is licensed
14 pursuant to the Pyrotechnic Distributor and Operator Licensing
15 Act.

16 "Person" means an individual, firm, corporation,
17 association, partnership, company, consortium, joint venture,
18 commercial entity, state, municipality, or political
19 subdivision of a state or any agency, department, or
20 instrumentality of the United States and any officer, agent, or
21 employee of these entities.

22 "Production company" means any person in the film, digital
23 and video media, television, commercial, and theatrical stage
24 industry who provides pyrotechnic services or pyrotechnic
25 display services as part of a film, digital and video media,
26 television, commercial, or theatrical production in the State

1 of Illinois and is licensed by the Office pursuant to the
2 Pyrotechnic Distributor and Operator Licensing Act.

3 "Pyrotechnic display" means the detonation, ignition, or
4 deflagration of display fireworks or flame effects to produce
5 visual or audible effects of a exhibitional nature before the
6 public, invitees, or licensees, regardless of whether
7 admission is charged, and as may be further defined in the
8 Pyrotechnic Distributor and Operator Licensing Act.

9 "Pyrotechnic distributor" means any person who distributes
10 display fireworks for sale in the State of Illinois or provides
11 them as part of a pyrotechnic display service in the State of
12 Illinois or provides only pyrotechnic services and is licensed
13 by the Office pursuant to the Pyrotechnic Distributor and
14 Operator Licensing Act.

15 "Pyrotechnic service" means the detonation, ignition or
16 deflagration of display fireworks, special effects or flame
17 effects to produce a visual or audible effect.

18 "Special effects fireworks" means pyrotechnic devices used
19 for special effects by professionals in the performing arts in
20 conjunction with theatrical, musical, or other productions
21 that are similar to consumer fireworks in chemical compositions
22 and construction, but are not intended for consumer use and are
23 not labeled as such or identified as "intended for indoor use".
24 "Special effects fireworks" are classified as fireworks UN0431
25 or UN0432 by the United States Department of Transportation
26 under 49 C.F.R. 172.101.

1 (Source: P.A. 95-331, eff. 8-21-07; 96-708, eff. 8-25-09.)

2 (425 ILCS 35/6 new)

3 Sec. 6. Advertising of fireworks.

4 (a) After January 1, 2011, all commercial advertising
5 mediums for consumer fireworks shall bear the following
6 statement:

7 WARNING: Illinois Law Prohibits the Possession of
8 Certain Fireworks Without a Proper Permit. Check with Local
9 Fire Department/Law Enforcement Prior to Purchase.

10 (b) Such warning on billboards shall appear in the format
11 and type style prescribed under 15 U.S.C. 1333 (b) (3), as
12 amended.

13 (c) Such warning in print shall appear in the format and
14 type style prescribed under Section 201 of the federal Family
15 Smoking Prevention and Tobacco Control Act (Public Law 111-31),
16 as amended.

17 (d) Such warning in broadcast shall be verbal, clear, and
18 concise.

19 (e) Any advertiser whose advertisement does not conform to
20 the provisions of this Section shall be subject to a fine not
21 to exceed \$1,000 per day.

22 (f) The State's Attorney of the county in which a violation
23 occurs or the Attorney General may bring an action for the
24 enforcement of this Section and the rules adopted and orders
25 issued under this Section, in the name of the People of the

1 State of Illinois, and may, in addition to other remedies
2 provided in this Act, bring an action for a temporary
3 restraining order, preliminary injunction, or an injunction to
4 restrain any actual or threatened violation or to impose or
5 collect a civil penalty for any violation.